

The article was labeled in part: "Hecker-Jones-Jewell Milling Div. Standard Milling Co., New York."

It was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On January 15, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28483. Adulteration and misbranding of assorted fruit flavors. U. S. v. 50 Cases of Hi-Life Concord Grape True Fruit, et al. Default decree of condemnation and destruction. (F. & D. No. 42020. Sample Nos. 15121-D to 14126-D, incl.)

This case involved products labeled to indicate that they were fruitade bases, but which were mixtures of acid, water, sugar, and flavor, containing little or no fruit or fruit juices.

On March 22, 1938, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of assorted fruit flavors at Boise, Idaho, alleging that the articles had been shipped in interstate commerce on or about August 9, 1937, by Douglas Products Co. from Seattle, Wash., and charging adulteration and misbranding, with respect to certain varieties, in violation of the Food and Drugs Act. The products which were charged to be adulterated and misbranded were labeled in part: (Bottles) "Hi-Life Concord Grape [or "Orange Punch," "Strawberry Punch," or "Lemon Punch"] True Fruit * * * Douglas Products Co. Seattle, Wash."

Adulteration was alleged in that mixtures of acid, water, sugar, and flavor, containing little or no fruit or fruit juices, had been substituted wholly or in part for Concord Grape True Fruit, Strawberry Punch True Fruit, Orange Punch True Fruit, and Lemon Punch True Fruit, which they purported to be.

Misbranding was alleged in that the statements, "Concord Grape [or "Orange Punch," "Strawberry Punch," or "Lemon Punch"] True Fruit," were false and misleading and tended to deceive and mislead the purchaser when applied to articles that were mixtures of acid, water, sugar, and flavor containing little or no fruit or fruit juices; and in that the said four products were imitations of and were offered for sale under the distinctive names of other articles.

On April 15, 1938, no claimant having appeared, judgment of condemnation was entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28484. Misbranding of honey. U. S. v. Reginald Douglas Bradshaw, Douglas Bixby Bradshaw, and Kenneth Pence Bradshaw (R. D. Bradshaw & Sons). Pleas of guilty. Fine, \$65. (F. & D. No. 39852. Sample Nos. 50739-C, 50740-C, 50768-C to 50771-C, incl., 51129-C, 51131-C to 51135-C, incl., 51137-C.)

This product was short weight.

On December 27, 1937, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Reginald Douglas Bradshaw, Douglas Bixby Bradshaw, and Kenneth Pence Bradshaw, trading as R. D. Bradshaw & Sons, at Wendell, Idaho, alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on various dates between June 13, 1936 and August 14, 1937, from the State of Idaho into the States of Oregon and Washington, of quantities of honey which was misbranded. The article was labeled in part: "Bradshaw's Clover Blossom [or "Bradshaw's Pure"] Honey. Net Weight 2½ Lbs. [or "1 lb.," "9 lbs.," "5 Lbs.," or "Net Wt. 17 Oz.]."

It was alleged to be misbranded in that the statements, "Net Weight 2½ Lbs.," "Net Weight 1 lb.," "Net Weight 9 Lbs.," "Net Weight 5 Lbs.," and "Net Wt. 17 Oz.," borne upon the several labels, were false and misleading, since the packages contained less than the amounts declared; in that it was labeled as aforesaid so as to deceive and mislead the purchaser and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package in terms of weight, since the quantity of contents was less than declared.

On December 29, 1937, pleas of guilty were entered by the defendants and they were sentenced to pay fines in the total amount of \$65.

HARRY L. BROWN, *Acting Secretary of Agriculture.*